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**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-2012

TAMATHA LYNN BODEWIG  
2016 Courtleigh Drive, Apt. A  
Bakersfield, California 93309

**A C C U S A T I O N**

Respiratory Care Practitioner License No. 21197

Respondent.

Complainant alleges:

**PARTIES**

1. Stephanie Nunez (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Respiratory Care Board of California (Board), Department of Consumer Affairs.

2. On or about December 30, 1999, the Board issued Respiratory Care Practitioner License Number 21197 to Tamatha Lynn Bodewig (Respondent). This license was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2007, unless renewed.

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3. This Accusation is brought before the Board under the authority of the

All section references are to the Business and Professions Code unless otherwise

4. Section 3710 of the Code states: “The Respiratory Care Board of  
after referred to as the board, shall enforce and administer this chapter [Chapter 8.3,  
Care Practice Act].”

5. Section 3718 of the Code states: “The board shall issue, deny, suspend, and to practice respiratory care as provided in this chapter.”

6. Section 3750 of the Code states:

“The board may order the denial, suspension or revocation of, or the imposition of probationary conditions upon, a license issued under this chapter, for any of the following causes:

“(g) Conviction of a violation of any of the provisions of this chapter or of any provision of Division 2 (commencing with Section 500), or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of this chapter or of any provision of Division 2 (commencing with Section 500) . . . .”

7. Section 3750.5 of the Code states:

“In addition to any other grounds specified in this chapter, the board may deny, suspend, or revoke the license of any applicant or license holder who has done any of the following:

"(b) Used any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code. . . ."

8. Section 3753.5, subdivision (a) of the Code states:

1 "In any order issued in resolution of a disciplinary proceeding before the board, the  
2 board or the administrative law judge may direct any practitioner or applicant found to have  
3 committed a violation or violations of law to pay to the board a sum not to exceed the costs of the  
4 investigation and prosecution of the case."

5 9. Section 3753.7 of the Code states:

6 "For purposes of the Respiratory Care Practice Act, costs of prosecution shall  
7 include attorney general or other prosecuting attorney fees, expert witness fees, and other  
8 administrative, filing, and service fees."

9 10. Section 3753.1, subdivision (a) of the Code states:

10 "An administrative disciplinary decision imposing terms of probation may include,  
11 among other things, a requirement that the licensee-probationer pay the monetary costs associated  
12 with monitoring the probation."

### 13 CONTROLLED SUBSTANCE

14 11. Methamphetamine is a Schedule II controlled substance pursuant to Health  
15 and Safety Code Section 11055.

### 16 CAUSE FOR DISCIPLINE

17 (Use of a Controlled Substance)

18 12. Respondent is subject to disciplinary action under sections 3750,  
19 subdivision (g) and 3750.5, subdivision (b) of the Code, in that she used the controlled substance  
20 methamphetamine. The facts and circumstances are as follows:

21 A. In September 2005, respondent was employed at Catholic Healthcare West  
22 Mercy Hospital (Mercy Hospital) in Bakersfield. On or about September 19, 2005, the  
23 respiratory therapy manager at Mercy Hospital observed that respondent appeared to be  
24 under the influence of drugs or alcohol. Respondent was asked to submit immediately to a  
25 drug and alcohol screening test. The laboratory report from National Toxicology  
26 Laboratories, Inc. dated September 22, 2005, indicated respondent tested positive for  
27 methamphetamine. Respondent was terminated from her employment on September 23,  
28 2005.

B. In a declaration signed under penalty of perjury on October 31, 2005, respondent stated she started using methamphetamine about five months earlier due to personal problems, and that on September 23, 2005, she voluntarily entered a chemical dependency program for her addiction.

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Respiratory Care Board issue a decision:

1. Revoking or suspending Respiratory Care Practitioner License Number 21197, issued to Tamatha Lynn Bodewig;

2. Ordering Tamatha Lynn Bodewig to pay the Respiratory Care Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring;

3. Taking such other and further action as deemed necessary and proper.

DATED: January 26, 2006

Original signed by Liane Zimmerman for:  
STEPHANIE NUNEZ  
Executive Officer  
Respiratory Care Board of California  
Department of Consumer Affairs  
State of California  
Complainant